{deleted text} shows text that was in HB0163 but was deleted in HB0163S01.

inserted text shows text that was not in HB0163 but was inserted into HB0163S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Carol Spackman Moss proposes the following substitute bill:

#### DRIVER LICENSE TESTING MODIFICATIONS

2022 GENERAL SESSION STATE OF UTAH

**Chief Sponsor: Carol Spackman Moss** 

Senate Sponsor: Curtis S. Bramble

#### **LONG TITLE**

#### **General Description:**

This bill amends provisions related to driver license testing for an individual who is a <u>covered</u> humanitarian parolee.

#### **Highlighted Provisions:**

This bill:

- amends provisions related to testing to obtain a driver license to allow a <u>covered</u> humanitarian parolee the same testing procedures provided to refugees and approved asylees; and
- makes technical changes.

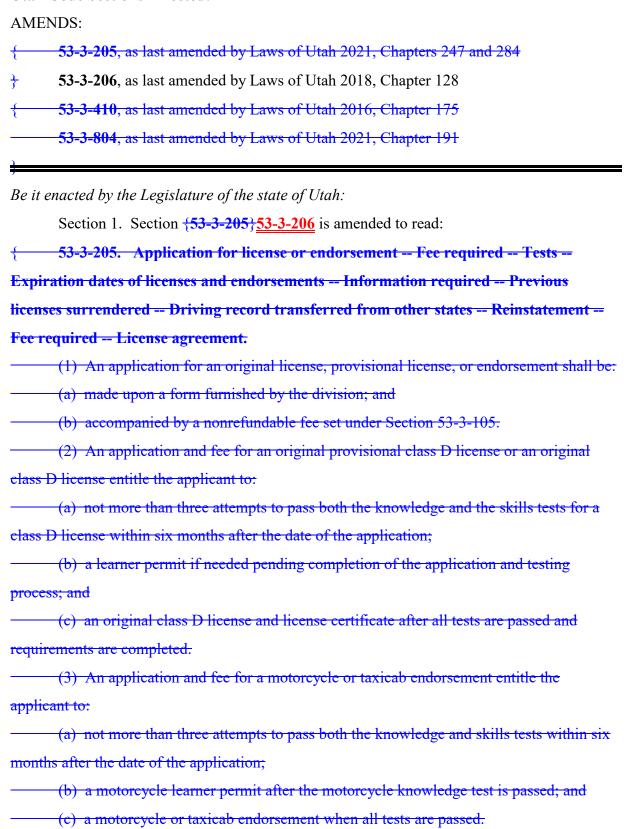
#### Money Appropriated in this Bill:

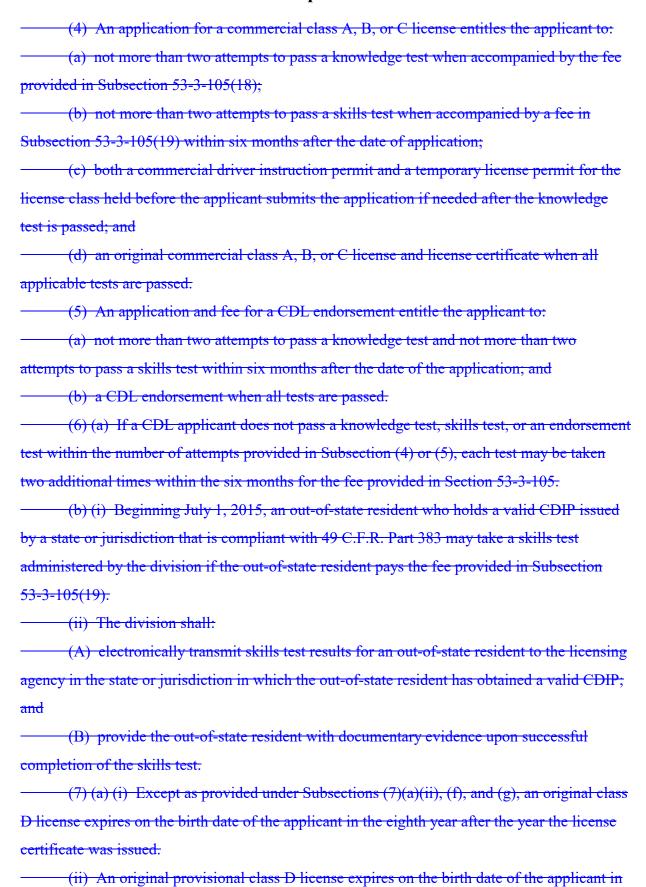
None

#### **Other Special Clauses:**

This bill provides a special effective date.

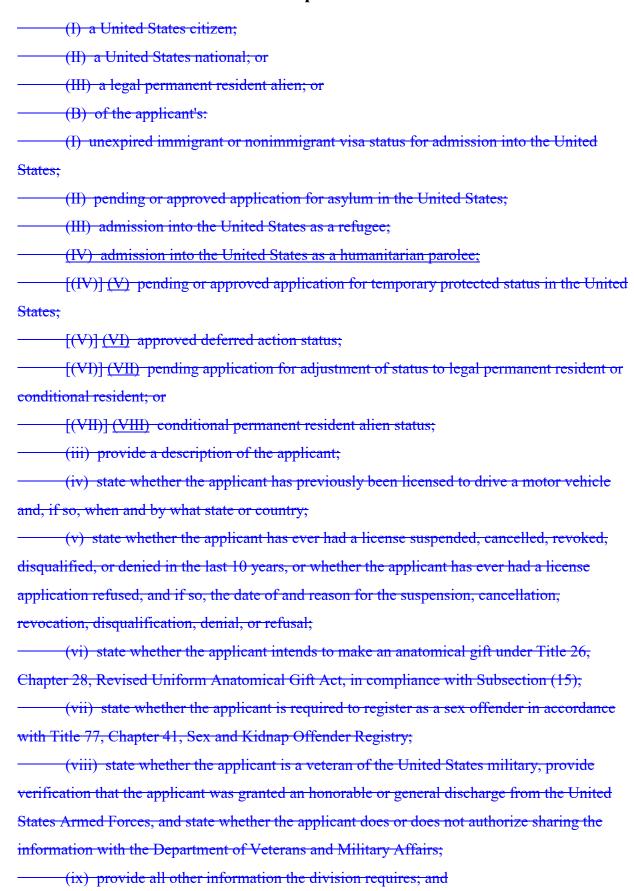
#### **Utah Code Sections Affected:**

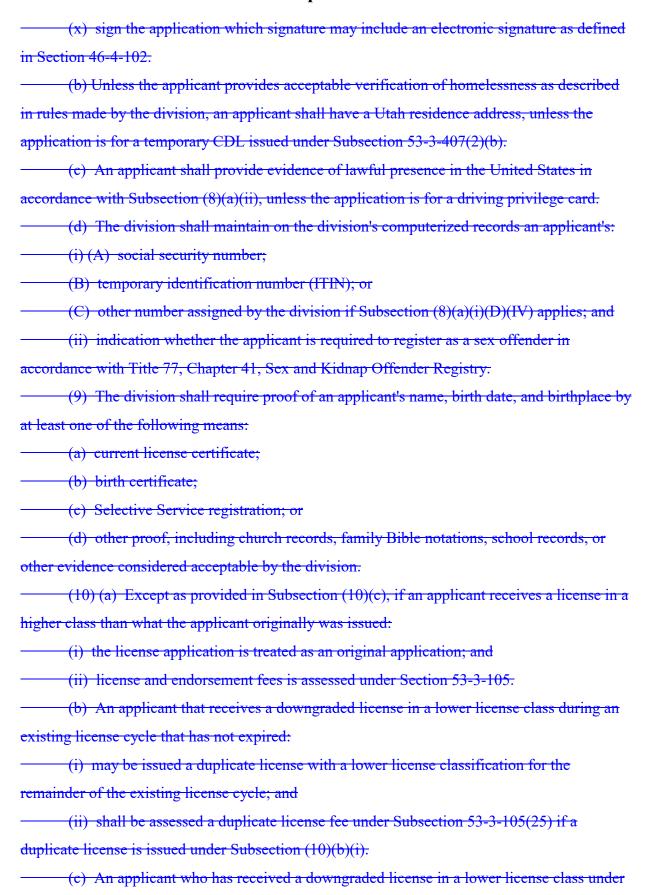




the fifth year following the year the license certificate was issued. (iii) Except as provided in Subsection (7)(f), a limited term class D license expires on the birth date of the applicant in the fifth year the license certificate was issued. (b) Except as provided under Subsections (7)(f) and (g), a renewal or an extension to a license expires on the birth date of the licensee in the eighth year after the expiration date of the license certificate renewed or extended. (c) Except as provided under Subsections (7)(f) and (g), a duplicate license expires on the same date as the last license certificate issued. (d) An endorsement to a license expires on the same date as the license certificate regardless of the date the endorsement was granted. (e) (i) A regular license certificate and an endorsement to the regular license certificate held by an individual described in Subsection (7)(e)(ii), that expires during the time period the individual is stationed outside of the state, is valid until 90 days after the individual's orders are terminated, the individual is discharged, or the individual's assignment is changed or terminated, unless: (A) the license is suspended, disqualified, denied, or has been cancelled or revoked by the division; or (B) the licensee updates the information or photograph on the license certificate. (ii) The provisions in Subsection (7)(e)(i) apply to an individual: (A) ordered to active duty and stationed outside of Utah in any of the armed forces of the United States; (B) who is an immediate family member or dependent of an individual described in Subsection (7)(e)(ii)(A) and is residing outside of Utah; (C) who is a civilian employee of the United States State Department or United States Department of Defense and is stationed outside of the United States; or (D) who is an immediate family member or dependent of an individual described in Subsection (7)(e)(ii)(C) and is residing outside of the United States. (f) (i) Except as provided in Subsection (7)(f)(ii), a limited-term license certificate or a renewal to a limited-term license certificate expires: (A) on the expiration date of the period of time of the individual's authorized stay in the United States or on the date provided under this Subsection (7), whichever is sooner; or

(B) on the date of issuance in the first year following the year that the limited-term
license certificate was issued if there is no definite end to the individual's period of authorized
<del>stay.</del>
(ii) A limited-term license certificate or a renewal to a limited-term license certificate
issued to an approved asylee [or], a refugee, or a humanitarian parolee expires on the birth date
of the applicant in the fifth year following the year that the limited-term license certificate was
<del>issued.</del>
(g) A driving privilege card issued or renewed under Section 53-3-207 expires on the
birth date of the applicant in the first year following the year that the driving privilege card wa
issued or renewed.
(8) (a) In addition to the information required by Title 63G, Chapter 4, Administrative
Procedures Act, for requests for agency action, an applicant shall:
(i) provide:
(A) the applicant's full legal name;
(B) the applicant's birth date;
(C) the applicant's sex;
(D) (I) documentary evidence of the applicant's valid social security number;
(II) written proof that the applicant is ineligible to receive a social security number;
(III) the applicant's temporary identification number (ITIN) issued by the Internal
Revenue Service for an individual who:
(Aa) does not qualify for a social security number; and
(Bb) is applying for a driving privilege card; or
(IV) other documentary evidence approved by the division;
(E) the applicant's Utah residence address as documented by a form or forms
acceptable under rules made by the division under Section 53-3-104, unless the application is
for a temporary CDL issued under Subsection 53-3-407(2)(b); and
(F) fingerprints and a photograph in accordance with Section 53-3-205.5 if the
applicant is applying for a driving privilege card;
(ii) provide evidence of the applicant's lawful presence in the United States by
providing documentary evidence:
(A) that the applicant is:





# Subsection (10)(b): (i) may, when eligible, receive a duplicate license in the highest class previously issued during a license cycle that has not expired for the remainder of the existing license cycle; and (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(25) if a duplicate license is issued under Subsection (10)(c)(i). (11) (a) When an application is received from an applicant previously licensed in another state to drive a motor vehicle, the division shall request a copy of the driver's record from the other state. (b) When received, the driver's record becomes part of the driver's record in this state with the same effect as though entered originally on the driver's record in this state. (12) An application for reinstatement of a license after the suspension, cancellation, disqualification, denial, or revocation of a previous license is accompanied by the additional fee or fees specified in Section 53-3-105. (13) An individual who has an appointment with the division for testing and fails to keep the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee under Section 53-3-105. (14) An applicant who applies for an original license or renewal of a license agrees that the individual's license is subject to a suspension or revocation authorized under this title or Title 41, Motor Vehicles. (15) (a) A licensee shall authenticate the indication of intent under Subsection (8)(a)(vi) in accordance with division rule. (b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may, upon request, release to an organ procurement organization, as defined in Section 26-28-102, the names and addresses of all applicants who, under Subsection (8)(a)(vi), indicate that they intend to make an anatomical gift. (ii) An organ procurement organization may use released information only to: (A) obtain additional information for an anatomical gift registry; and (B) inform licensees of anatomical gift options, procedures, and benefits. (16) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may release to the Department of Veterans and Military Affairs

the names and addresses of all applicants who indicate their status as a veteran under

# Subsection (8)(a)(viii). (17) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division shall, upon request, release to the Sex and Kidnap Offender Registry office in the Department of Corrections, the names and addresses of all applicants who, under Subsection (8)(a)(vii), indicate they are required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry. (18) The division and its employees are not liable, as a result of false or inaccurate information provided under Subsection (8)(a)(vi) or (viii), for direct or indirect: (a) loss; (b) detriment; or (c) injury. (19) An applicant who knowingly fails to provide the information required under Subsection (8)(a)(vii) is guilty of a class A misdemeanor. (20) A person may not hold both an unexpired Utah license certificate and an unexpired identification card. (21) (a) An applicant who applies for an original motorcycle endorsement to a regular license certificate is exempt from the requirement to pass the knowledge and skills test to be eligible for the motorcycle endorsement if the applicant: (i) is a resident of the state of Utah; (ii) (A) is ordered to active duty and stationed outside of Utah in any of the armed forces of the United States; or (B) is an immediate family member or dependent of an individual described in Subsection (21)(a)(ii)(A) and is residing outside of Utah; (iii) has a digitized driver license photo on file with the division; (iv) provides proof to the division of the successful completion of a certified Motorcycle Safety Foundation rider training course; and (v) provides the necessary information and documentary evidence required under Subsection (8). (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules: (i) establishing the procedures for an individual to obtain a motorcycle endorsement

#### under this Subsection (21); and

(ii) identifying the applicable restrictions for a motorcycle endorsement issued under this Subsection (21).

Section 2. Section 53-3-206 is amended to read:

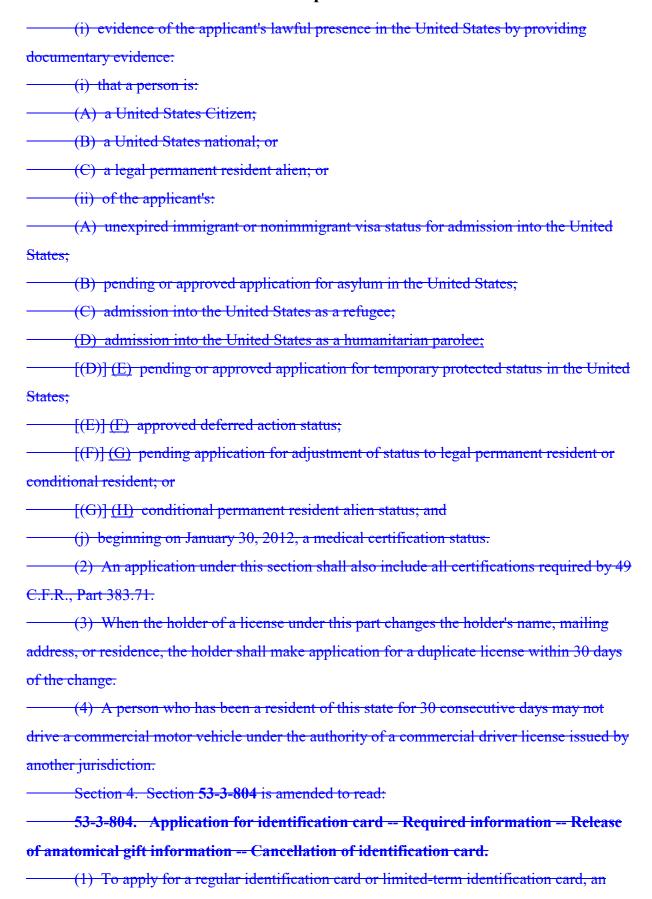
# 53-3-206. Examination of applicant's physical and mental fitness to drive a motor vehicle.

- (1) The division shall examine every applicant for a license, including a test of the applicant's:
  - (a) eyesight either:
  - (i) by the division; or
- (ii) by allowing the applicant to furnish to the division a statement from a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;
- (b) ability to read and understand highway signs regulating, warning, and directing traffic;
- (c) ability to read and understand simple English used in highway traffic and directional signs;
  - (d) knowledge of the state traffic laws;
- (e) other physical and mental abilities the division finds necessary to determine the applicant's fitness to drive a motor vehicle safely on the highways; and
- (f) ability to exercise ordinary and responsible control driving a motor vehicle, as determined by actual demonstration or other indicator.
- (2) (a) Notwithstanding the provisions of Subsection (1) or any other provision of law, the division shall allow a refugee [or], an approved asylee, or a <u>covered humanitarian parolee</u> to take an examination of the person's knowledge of the state traffic laws in the person's native language:
  - (i) the first time the person applies for a limited-term license certificate; and
  - (ii) the first time the person applies for a renewal of a limited-term license certificate.
- (b) Upon the second renewal of a refugee's [or], an approved asylee's, or a covered humanitarian parolee's limited-term license certificate for a refugee [or], an approved asylee, or a covered humanitarian parolee that has taken the knowledge exam in the person's native

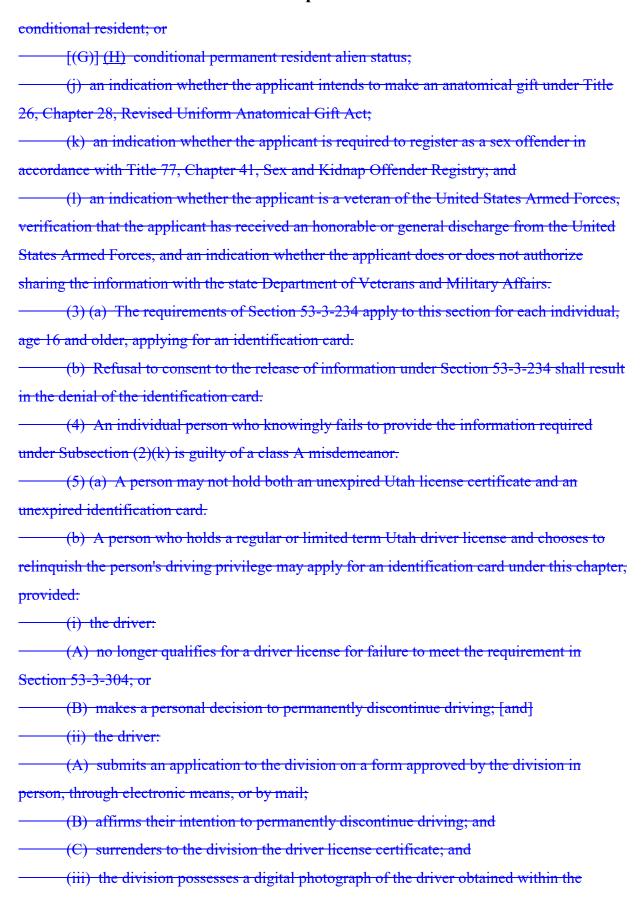
language under Subsection (2)(a), the division shall re-examine the person's knowledge of the state traffic laws in English.

- (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing the procedures and requirements for a refugee [or], an approved asylee, or a covered humanitarian parolee to take an examination of the person's knowledge of the state traffic laws in the person's native language.
- (3) The division shall determine whether any facts exist that would bar granting a license under Section 53-3-204.
- (4) The division shall examine each applicant according to the class of license applied for.
- (5) An applicant for a CDL shall meet all additional requirements of Part 4, Uniform

Comm	nercial Driver License Act, of this chapter.
{	Section 3. Section 53-3-410 is amended to read:
	53-3-410. Applicant information required for CDIP and CDL State resident to
have s	state CDL.
	(1) The application for a CDL, limited-term CDL, or CDIP shall include the following
inform	nation regarding the applicant:
	(a) full legal name;
	(b) current mailing address;
	(c) Utah residential address, unless the application is for a temporary CDL issued under
Subsec	ction 53-3-407(2)(b);
	(d) physical description, including sex, height, weight, and eye color;
	(e) date of birth;
	(f) documentary evidence of the applicant's valid [Social Security] social security
numbe	er <del>,</del>
	(g) a complete list of all states in which the applicant was issued a driver license in the
previo	us 10 years upon:
	(i) initial issuance of a Utah license;
	(ii) renewal of a CDL for the first time after September 30, 2002; or
	(iii) transfer of a CDL from another state;
	(h) the applicant's signature;



applica	<del>ant shall:</del>
	(a) be a Utah resident;
	(b) have a Utah residence address; and
	(c) appear in person at any license examining station.
	(2) An applicant shall provide the following information to the division:
	(a) true and full legal name and Utah residence address;
	(b) date of birth as set forth in a certified copy of the applicant's birth certificate, or
other s	atisfactory evidence of birth, which shall be attached to the application;
	(c) (i) social security number; or
	(ii) written proof that the applicant is ineligible to receive a social security number;
	(d) place of birth;
	(e) height and weight;
	(f) color of eyes and hair;
	<del>(g) signature;</del>
	(h) photograph;
	(i) evidence of the applicant's lawful presence in the United States by providing
docum	entary evidence:
	(i) that the applicant is:
	(A) a United States citizen;
	(B) a United States national; or
	(C) a legal permanent resident alien; or
	(ii) of the applicant's:
	(A) unexpired immigrant or nonimmigrant visa status for admission into the United
States;	
	(B) pending or approved application for asylum in the United States;
	(C) admission into the United States as a refugee;
	(D) admission into the United States as a humanitarian parolee;
	[(D)] (E) pending or approved application for temporary protected status in the United
States;	
	[(E)] (F) approved deferred action status;
-	- (F) (G) nending application for adjustment of status to legal permanent resident or



#### preceding 10 years.

- (c) (i) The division shall waive the fee under Section 53-3-105 for an identification card for an original identification card application under this Subsection (5).
- (ii) The fee waiver described in Subsection (5)(c)(i) does not apply to a person whose driving privilege is suspended or revoked.
- (6) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division shall, upon request, release to the Sex and Kidnap Offender Registry office in the Department of Corrections, the names and addresses of all applicants who, under Subsection (2)(k), indicate they are required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.
- $\frac{1}{2}$  Section  $\frac{5}{2}$ . Effective date.

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah

Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.